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LYNCHING: ITS CAUSE AND CURE.

TOWNSEND PRIZE ORATION.

Lynch law is not of mushroom growth. It is older than our government. The necessity which compelled its birth is to be deplored not alone by America. Great Britain left to us this heritage of unreason, which we, alas! have failed to alienate. Ireland saw this abuse of legal form as early as 1493, when the Mayor of Galway, incensed at the "law's delays," hung his own son—a murderer—from the window of his home, declaring that "justice must be done."

The necessity which gave it birth in Ireland has contributed to its growth in America. The child of expediency has now become the despot of our civilization, unregardful of legal form, relentless in his decrees, untaught by mercy, intolerant and without conscience. Lynch law is now the rule, and legal form the exception. We blush with shame and tremble for the safety of our institutions when we recount that the ratio of legal executions as compared with death by lynching is as one to two.

Extraordinary causes must have produced this result. What are those causes? England has long since forgotten the one instance in which justice was dethroned; instances of almost daily recurrence speak straight to the American heart. In the Western States of the Union it was always a matter of expediency. Courts were few, travel was slow and "licensed" justices were ignorant. A crime was committed and the punishment was sure. The aid of the courts was seldom, if ever, invoked. In the South we behold an array of circumstances entirely dissimilar. Until within recent years lynchings were of infrequent occurrence there. At present the South and lynch law are synonymous. Prior to the civil war the crime which it punishes was unknown there, and practically impossible. But the times have changed. "Most of the men who were masters and most of the men who were slaves are dead." Emancipation came, and with it the political trickster of the North—ambitious for political spoils—to tell the negro that he was free; to fail to tell him that even liberty must have its restraints. The negro became part of the fabric of the government. The ballot was placed in his hand ere he was ready to receive it. Ignorance born of the darkness of slave-time stalked through legislative halls and usurped the judicial ermine. The one-time

chattel with hands unbound but with mind still fettered, became the white man's political peer—nay, his superior. The white man saw in the negro the destroying instrument of his political dominance. Hate, urged by fear, was the inevitable result. Prejudice came to make children out of men. What was by law a crime came to be regarded as a political duty—the duty of self-defense. A sentiment was thus created which became stronger than a regard for law when the victim against whom it was directed was the object of its hate. Can the white man be blamed? Was he wrong? One thing is sure, he was not less than human. No other country has ever been confronted with such a situation. Two ethnologically distinct peoples with equal liberties cannot, for long, exist in the same territory without racial conflicts. It generates a reciprocal hate. The white man's hate is dormant; it is not aggressive; it is called into action by the commission of some crime which makes fathers tremble for the sanctity of their firesides. Reason for the time is dethroned and the victim of such insanity is straightway arraigned before relentless "Judge Lynch," at whose forum is heard only the testimony of excited passion and unlistening prejudice. The reasonable-doubt doctrine is entirely set aside, and the victim meets his death, often without being heard in his own defense. It is true that few are ever lynched who would not have met death had the law been strictly enforced. That argument admits the outrage of the law.

It is argued that the crime of lynching is excused by the provocation, and the provocation was the commission of another crime. One crime never excuses another. "No kind or degree of provocation will ever justify or even mitigate it. It is barbaric, anarchic and wrong *per se.*" The brief and bloody code of lynch law translated into plain English is this: "*Let past crime be met with present crime in order that future crime may be prevented*"—the worst fallacy that can mislead one man or many. That sentiment once instilled is the Greek horse admitted into the citadel of American liberties and sovereignties. No society can withstand the onslaught of such unreason; no rational mind can keep terms with such delusion. It is folly—folly taught by thoughtlessness. It is vengeance seeking whom it may devour. Vengeance begets vengeance, and crime does not deter crime. The crime which lynching punishes—the crime for which Tarquin fled the Imperial City—goes hand in hand with lynching. As one increases so does the other increase.

In 1890 there were 127 victims who met their death at the hand of riotous mobs; two years later there were 235. These figures are of fearful significance—significance which lies not so much in the first violation of the law as in the sentiment which it engenders. All good men deplore, but few are loud in their condemnation. Negroes in the South have been known to assist in lynching men of their own race. The disease is contagious; it feeds on human hearts and dulls the sensibilities of right and wrong. The father acts before the child; the child sees, and becoming a man, transmits it by example to his children. Time crystallizes this sentiment, and through it the people lose "the true perspective of civilization."

The remedy is not to be found in legislation. It is not to be found in placing laws upon our statute books which will never be enforced. Our laws from time immemorial have provided against murder. Lynching is murder, though divided among a million. Legislation could only punish; it could never prevent. If it is to cease it must cease entirely and absolutely. It is a disease each germ of which is dangerous to civilization. It is anarchy and America must not permit anarchy, no matter in what form fashioned. It cannot be tolerated, and that which cannot be tolerated lies with the people to say when and how it shall be put down. If there is law against it, let that law be enforced. The Chicago riots met with the public condemnation of all good men. Lynching, another form of anarchy, meets with the public condemnation of all good men. No one can indict the whole people of any section as approving of lynch law. Where the crime is most flagrant it is most strongly condemned. Those who view it in its fullest horrors are those who are powerless to prevent it. And yet the prevention must be applied where the evil exists. The North cannot mould the sentiment of the South. It has been tried and all efforts have been futile. Were the columns of their journals less tinctured with bitterness, and their criticism a little less unkind, their suggestions would be more fruitful in good results. The South must work out its own salvation.

The true remedy is in education—an education exerting a two-fold influence. All things come by education or the want of it. Lynching is the result of long years of schooling in the practice. If we would see a cessation of mob rule we must unteach those who engage in it. If we would unteach them we must so mould public sentiment as to make it evident that good men will not stand behind bad men, and that good men are in

the majority. Good men will not stand by and permit practices which violate the fundamental principles of society. No army was ever stronger than public opinion and no law was ever more efficacious. There are good men in the South—the South is full of good men, and in their hearts must lodge a sentiment against the abuse and neglect of law. If their teaching has been unsound they must be untaught. They must forget the precedents which sustain their action, and must learn that their institutions will perish unless they recognize the principle of obedience to the law. And the negro must be taught the inevitable consequences of his own wrong-doing. He must realize that punishment will follow sin so sure as the night the day. He must feel that the law will fail to protect him when he heeds not the law's admonitions.

A change is coming, slowly, perhaps, but surely. The Southern people, with their Governors, are taking an united stand against the abuse and neglect of law. The lyncher is being placed on the plane of the lynched, and the righteous indignation of public sentiment is dealing with them both. There will be but one law, and that law will be administered. The ancient Themis will no longer rush disgraced and dismantled from the scene of her late dethronement. The black man will seek and not in vain that impartial trial which no grade of crime can deny him. This sentiment will live and grow and become mighty, and through it, and by it, the law will still preserve its majesty and Justice will be no longer ousted of her jurisdiction.

Joseph Edwin Proffit.